

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Northwest Ohio Wheelchair Athletes, Inc.,  
et al.,

Case No. 3:06CV1861

Plaintiffs

v.

ORDER

Perrysburg Marketplace, LLC.,

Defendant

This is a suit on behalf of persons with disabilities claiming that the defendant Perrysburg Marketplace is not in compliance with accessibility requirements of federal law.

Pending is the defendant's motion to stay. The motion shall be granted.

Defendant asks that proceedings in this case be stayed for six months to enable it to address and correct the problems that led to this suit. Plaintiffs oppose the request, contending *inter alia* that defendant seeks to delay implementation of the changes they seek, and, as well, the final disposition of this case.

In response, the defendant points out that it has retained an expert consultant, who has prepared and presented a report, a copy of which has been provided to the plaintiffs' counsel. While further and effective action in response to that report and the allegations of plaintiffs' complaint cannot, of course, be guaranteed, it appears that significant steps have been taken to reduce and/or eliminate unlawful barriers to access. It appears as well that further steps are likely to follow forthwith.

I see no reason whatsoever to forego the self-remediation in favor of conventional adversarial [and expensive and time-consuming] litigation.

Defendant's request holds out the pleasant prospect that this case may be resolved without either further litigation expense to the parties and judicial involvement. Plaintiffs' opposition, in contrast, offers nothing constructive except an adversarial stance.

Any question that plaintiffs may have about the defendant's *bona fides* can be addressed by periodic status reports from the parties about the defendant's progress with its remediation efforts. I encourage plaintiffs to take advantage of any opportunities that they may have to work with the defendant to resolve the problems that brought on this lawsuit. In that way, the likelihood of further problems can be reduced.

It is, therefore,

ORDERED THAT:

1. Defendant's motion for stay be, and the same hereby is granted; further proceedings in this case, except such proceedings, including discovery that the parties agree jointly to undertake or seek from this court, stayed until May 1, 2007;
2. Status reports to be submitted commencing December 30, 2006, and monthly thereafter during the pendency of the stay herein ordered.

So ordered.

s/James G. Carr  
James G. Carr  
Chief Judge